

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THE BOARD OF EDUCATION OF THE
CITY OF CHICAGO,

Plaintiff,

v.

BETSY DEVOS, in her capacity as Secretary
of the United States Department of
Education, and the UNITED STATES
DEPARTMENT OF EDUCATION,

Defendants.

EXHIBIT C



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF INNOVATION AND IMPROVEMENT

November 2, 2018

Frances Richards
Authorized Representative for the MSAP Grant
Chicago Public Schools
42 W. Madison Street, 3rd Floor
Chicago, IL 60602

Re: Magnet Schools Assistance Program Grant Award Number: U165A170071

Dear Ms. Richards:

On September 27, 2018, the U.S. Department of Education's (Department) Office of Innovation and Improvement (OII) sent you a letter regarding OII's decision not to award Chicago Public Schools' (CPS) fiscal year (FY) 2018 continuation grant funds under the Magnet Schools Assistance Program (MSAP). *See* 20 U.S.C. §§ 7231-7231j.

As stated in that letter, consideration of CPS's eligibility for MSAP continuation grant funding is contingent upon, among other requirements, a determination by the Assistant Secretary for Civil Rights (Assistant Secretary) that CPS will meet certain civil rights assurances. These assurances require that CPS refrain from discrimination based on race, religion, color, national origin, sex, or disability in: (1) the hiring, promotion, or assignment of employees of CPS or other personnel for whom CPS has any administrative responsibility; (2) the assignment of students to CPS schools, or to courses of instruction within those schools, except to carry out the approved plan; and (3) the design or operation of extracurricular activities for students.¹

On October 4, 2018, OII extended the current performance period to provide additional time for CPS to carry out the project using its remaining unobligated FY 2017 funds and to take steps to meet its civil rights assurances as required by 20 U.S.C. § 7231d(c). As you work toward obtaining the Assistant Secretary's certification that you will meet your civil rights assurances, please consider the following specific recommendations:

- 1) Cooperate fully with investigations of the Department's Office for Civil Rights (OCR) related to the MSAP civil rights assurances, including providing timely responses to requests for information (*e.g.*, data requests, narrative statement requests, and supplemental data requests) and other informational inquiries; cooperating in scheduling witness interviews; and fulfilling the terms of existing resolution agreements. If OCR identifies problems with CPS's timeliness or cooperation, OCR's Chicago Regional Office will raise these concerns to

¹ *See* 20 U.S.C. §§ 7231d(b)(2)(C)(i)-(iii).

CPS. We recommend that CPS address the concerns raised by OCR's Chicago Regional Office promptly;

- 2) Designate an employee to be responsible for compliance with Title IX of the Education Amendments of 1972 (Title IX), per 34 C.F.R. § 106.8(a), provide training to that employee related to these responsibilities, and transmit documentation of these actions to OCR's Chicago Regional Office within a reasonable timeframe;
- 3) Adopt and publish grievance procedures that provide for an appropriate resolution of complaints of sex discrimination, including sexual misconduct, and transmit documentation of these actions to OCR's Chicago Regional Office within a reasonable timeframe. Any grievance procedures must comply with the requirements of 34 C.F.R. Part 106;
- 4) From the date of this letter through the end of the 2018-2019 school year, promptly transmit any complaint of sexual misconduct received by CPS or CPS schools to OCR's Chicago Regional Office; and
- 5) From the date of this letter through the end of the 2018-2019 school year, promptly transmit to OCR's Chicago Regional Office the full case file for any complaint of sexual misconduct that has been resolved (whether formally or informally, including any appeal) by CPS or CPS schools.

We recommend that CPS take these steps to demonstrate its good faith efforts to comply with its civil rights obligations and to show that its MSAP civil rights assurances in FY 2019 "will be met," including that it will not engage in discrimination in extracurricular activities. However, CPS is also responsible for resolving any other compliance issues identified during the course of pending investigations relating to any area covered by the MSAP assurances. As a result, the fulfillment of these steps does not guarantee that the Assistant Secretary will certify compliance with all relevant civil rights assurances.

Finally, you requested a copy of the September 24, 2018, memorandum from the Assistant Secretary for Civil Rights to the Acting Assistant Deputy Secretary for OII describing why the Assistant Secretary will not certify that CPS will meet civil rights assurances relevant to the MSAP. Enclosed is a redacted copy of that memorandum.

If you have any questions about this letter, please contact Anna Hinton, Director, Parental Options and Improvement, Office of Innovation and Improvement, by email at anna.hinton@ed.gov or by phone at 202-260-1816.

Thank you for your cooperation with the MSAP pre-award grant reviews process.

Sincerely,



James Blew
Acting Assistant Deputy Secretary
Office of Innovation and Improvement

Enclosure

cc: Janice Jackson, Chief Executive Officer
Joseph T. Moriarty, General Counsel
Elizabeth Griffith, Elementary Magnet Schools Coordinator